

441—119.2(135C) When record check evaluations are requested.

119.2(1) *Record check evaluations on prospective employees.* Health care programs shall request a record check evaluation when they decide to consider for employment a person whose background check indicates a criminal or dependent adult abuse or child abuse record. Criminal and dependent adult abuse background checks are required on all prospective employees, including employees who have terminated employment for any reason or any length of time and wish to return to the same health care program.

119.2(2) *Record check evaluations on current employees.* Employers may request a record check evaluation on current employees when a current employee's background check indicates a criminal or dependent adult or child abuse record. An employer may request a current criminal or dependent adult or child abuse record check when the employer learns from any source that a current employee has a criminal or dependent adult or child abuse record that has not been previously evaluated at the health care program.

119.2(3) *Transfer of employment.* If a person owns or operates more than one facility, and an employee of one of the facilities is transferred to another facility without a lapse in employment, the facility is not required to request additional criminal or abuse record checks of the employee or obtain a new record check evaluation.